IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Misc. No. 964-M of 2007

DATE OF DECISION : 02.03.2007

Ravinder Kumar Sharma and others

.... PETITIONERS

Versus

State of Haryana and another

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Vinod Bhardwaj, Advocate,
for the petitioners.

Mr. S.S. Mor, Senior DAG, Haryana.

Mr. K.S. Dhanora, Advocate,
for respondent No.2.

* * *

The petitioners have filed this petition under Section 482 of the Code of Criminal Procedure for quashing of case FIR No. 316 dated 27.7.2004 under Sections 406/498-A/506 and 323 IPC, registered at Police Station City Thanesar, District Kurukshetra, and subsequent proceedings arising therefrom.

In pursuance of the notice issued by this Court, respondent No.2-complainant has filed reply by way of affidavit stating that the matter has been compromised and the decree of divorce on the basis of compromise has also been passed vide order dated 16.12.2006, passed by District Judge, Kurukshetra and she has no objection if the aforesaid FIR and the subsequent proceedings are quashed. Today, respondent No.2 is present in court. She has made the following statement, which has been counter-signed by her counsel :-

> "My marriage was solemnized with petitioner Ravinder Kumar Sharma on 10.2.2000 at Kurukshetra. After the marriage, I was being harassed by my husband and his family members on account of bringing inadequate dowry. In that situation, I was compelled to lodge FIR No. 316 dated 27.7.2004 under Sections 406/498-A/506 and 323 IPC, registered at Police Station City Thanesar, District Kurukshetra, against them. During the pendency of the case, with the intervention of the family members and relatives, the matter has been amicably settled between us and according to the said compromise, a petition for mutual divorce was filed in the court of District Judge, Kurukshetra. On the basis of the statements made by the parties and the amicable settlement between us, a decree of divorce by mutual consent has been passed by learned District Judge, Kurukshetra, on 16.12.2006. I have received the amount and other articles as per the compromise and the minor son, who is the only child born out of the wed lock, will remain with me. In view of the amicable settlement between us and the mutual divorce granted, I have no objection if the aforesaid FIR against my husband and his family members is quashed."

I have heard the arguments of learned counsel for the parties.

Keeping in view the affidavit of respondent No.2 and the aforesaid statement made by her as well as the settlement arrived at between the parties, I am of the opinion that since the parties have compromised the matter and the marriage between petitioner No.1 and respondent No.2 has already been dissolved, therefore, no useful purpose will be served by continuing with the criminal proceedings in the instant FIR. I am satisfied that the settlement arrived at between the parties is bonafide. Therefore, in view of the aforesaid statement of respondent No.2, the fact that the parties have compromised the matter and the law laid down by the Supreme Court in ***B.S. Joshi and others*** vs. ***State of Haryana and another,*** JT 2003 (3) SC

277, FIR No. 316 dated 27.7.2004 under Sections 406/498-A/506 and 323 IPC, registered at Police Station City Thanesar, District Kurukshetra and all the proceedings arising therefrom are quashed.

Petition is accordingly allowed.

March 02, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**